

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

FILED

DIVISION 2012 SEP -4 PM 1:54

Nikki Croft

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

Name of Plaintiff

v.

Case No. _____

(To be assigned by Clerk)

Jury Demand ☒ Yes ☐ No

Frank Wilson

Dr. Kim Sigeas

Clarksville-Montgomery Schools

Name of Defendant(s)

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991, for employment discrimination. Jurisdiction is specifically conferred upon the Court by 42 U.S.C. § 2000e-5, or, if the Plaintiff is a federal employee, by 42 U.S.C. § 2000e-16. Relief is sought under 42 U.S.C. § 2000e-5(g) and/or 42 U.S.C. § 1981a(b).

2. Plaintiff, Nikki Croft, is a citizen of the United States and resides at

135 Brinkhaven Dr. Apt. F-17, Madison,
Street address City

Davidson, TN, 37115, 615-289-5422
County State Zip Code Telephone Number

3. Defendant, Frank Wilson, Kim Sigeas, Clarksville-Montgomery Schools resides at, or its business is located at

621 Gracey Street, Clarksville,
Street address City

Montgomery, TN, 37040
County State Zip Code

(If more than one Defendant, list the name and address of each additional Defendant)

4. Plaintiff sought employment from the Defendant or was employed by the Defendant at
621 Gracey Street, Clarksville,
 Street address City
Montgomery, TN, 37040
 County State Zip Code
5. Defendant discriminated against Plaintiff in the manner indicated in paragraphs 8 and 9 of this Complaint on or about Feb 26 2010.
 Month Day Year
6. Plaintiff filed charges against the Defendant with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission charging the Defendant with the acts of discrimination indicated in paragraphs 8 and 9 of this Complaint on or about December 20 2010.
 Month Day Year
7. The Equal Employment Opportunity Commission or the United States Department of Justice issued a Notice of Right to Sue which was received by Plaintiff on June 5th 2012, a copy of which Notice is attached.
 Month Day Year
8. Because of Plaintiff's (1) X race, (2) _____ color, (3) _____ sex, (4) _____ religion, (5) _____ national origin, the Defendant:

a. _____ failed to employ Plaintiff.

b. X terminated Plaintiff's employment.

c. _____ failed to promote Plaintiff.

d. X retaliated against Plaintiff for having filed a charge of discrimination.

e. X other. Explain: retaliated for complaining about untrue and unfair statements on the Corrective Action Plan. Mr. Wilson retaliated because I was exercising my protected Civil Rights of free speech by complaining to his boss.

9. The circumstances under which Defendant discriminated against Plaintiff were as follows:

My charge is for race and retaliation. The racial part is against Dr. Sigears, Clarksville-Montgomery Schools and not Mr. Wilson. The retaliation part is against Clarksville-Montgomery Schools and Mr. Wilson. Dr. Sigears has a discriminatory pattern with minorities at Kenwood Middle. With me, she observed me.
(You may use additional paper, if necessary.)

10. The acts set forth in paragraph 8 of this Complaint:

a. X are still being committed by Defendant.

b. _____ are no longer being committed by Defendant.

c. _____ may still be being committed by Defendant.

on Back

→ The day after I turned in my charge, 12/21/10, Clarksville-Montgomery HR contacted me via e-mail to see if I was interested in teaching again because they have changed the teacher selection process. I said yes and

it's been 2 years and they still refuse
to allow me to interview for any
position that I have shown interest
in unlike the other white
teachers who were non-renewed.
They were allowed to be re-hired.

It's been over 2 years since I've worked in education because he will not recommend ^{me}. According to the union, it is a state law. He gave me a good evaluation the year before but not this year because he is still mad.

NIKKI CROFT

9. The circumstances under which Defendants discriminated against Plaintiff were as follows: continued:

(Continued) Teaching social studies and utilizing a graphic organizer. But on the Corrective Action Plan, she put the opposite saying that I need to incorporate one. The word graphic organizer is in my lesson plans, on the pre and post conference notes and the students work samples when she observed me in December 2010, so she just made that up. Let me say that my whole case is about how I was treated and not focusing on just job loss. They could have fired me and said nothing. They could have fired me and just said that they don't owe me any explanation because I don't have tenure and they are within the law. They chose to discriminate against me, terminate me and make up story after story so that my whole K12 certified education career is destroyed. It is damaged but I am fighting hard to jump start it back up.

In the Corrective Action Plan conference, she stated that the guidance counselor stated that I was late turning in grade verifications. And I am like what?? So after the meeting, I went to defend myself for turning them in on time and she stated that she didn't know who was late. Dr. Sigears came in one time to observe me. She stated that I mostly use the textbook only. Another principal reviews the lesson plans for the week. I am like how can you draw that conclusion when you only came in one time and you have never looked at my entire lesson plans. When she observed me, we used 2 graphic organizers, and a PowerPoint visual with audio. On the last day of school, I found out that Dr. Sigears typed up a fictitious 2 page written reprimand about me and forged my signature and placed it in my school level file and gave it to the principal. I told the union and she offered to file a grievance. I declined because I didn't want the principals to be mad at me and try and hold me back from getting another job someone else. The union also came to the school in response to this forged signature and made the administrators clean out all of the folders of material that should not be there for all of the teachers. On the last day of school she discriminated again. Dr. Sigears is the one to check me out for all teaching materials and I waited until 6:30 pm like I was told to, even though they violated the terms of the educational agreement which stipulates that our contract ends at 2:30. I told the union and she wanted a meeting. I was the only person in the building still waiting. So I called one of my colleagues while I was in the room. After 2 calls and 4 hours later, I slid the paper under the door and kept my copy and left. Then about 2 weeks later she called and said that I was missing books. I did not call her back. So she shot me an e-mail in which she listed books that I had turned in. I realized that I did lose 5 resources and offered to pay for them. I still did not respond to her because I knew that she was mean and had malice toward me. So she then contacted the then HR director Bruce Jobe about it and I returned the call to him. He called back and left a message saying that they may have to hold my last 2 checks until I pay for those books. I was like what. The list is fictitious, so I then contacted the union and the union met with Bruce Jobe downtown about it and he said to just let it go. I was glad.

Also, this year, for the first time in my career, my students grades were changing on their own in the computer system mysteriously. I wrote a letter in April 2010, addressing this. I was absent on March 1, 2010 and did not log in at all on the computer system, and I found out that my students grades changed. I had nothing to do with this. So I did what I was told to do and met with the guidance counselor for over 2 hours as was stipulated in the Corrective Action Plan. I even stayed after school. I want to state that the EEOC said that there were other teachers treated the same as me concerning the Corrective Action Plan. But I will bet their information on the Corrective Action Form was true. I am not aware of any teacher except me alleging that the information was made up.

Other minority teachers and staff believe that she treated them unjustly as well. She placed unfair material in the file of a school staff member and on the last day of school Dr. Sigears and another minority teacher got into a shouting match about unfair information placed in her file. Another minority teacher was terminated based on the Corrective Action Plan unfairly, but he was able to get his job back because he knew that he was fired. I had no idea that I was fired until after it occurred therefore I could not stop the voting process at the board because I didn't know. A minority worker was referred the HR director Bruce Jobe by Dr. Sigears. By the end of the conversation she was no longer employed.

In addition, the EEOC asked me to compare my status with someone of the same status who was treated better than me. I did it twice with 2 separate instances. The second one I stated that other white teachers like Ms. Davenport, and Ms. Danell were non tenured and terminated for poor performance like me and non-renewed. But unlike me they were allowed to interview with differently principals and rehired unlike me.

I honestly believe that the information from the Corrective Action Plan came from Dr. Sigears and Ms. Knight. Ms. Knight was my educational assistant. She does not want to work

under a black woman. For example, the teacher before me who was black had her removed from the classroom. Another black teacher after I was no longer employed, had her removed from the classroom. When I took a leave of absence, they had a black former 13 year certified teacher to replace me. Well they changed their mind and replaced her with a white inexperienced PE teacher. The black teacher text me asking why did they do that? In addition while I was teaching she would ask the students with the same volume that I was teaching, if they understood me. In addition, she would state that my class is hard.

Mr. Wilson my principal signed my form before he even observed me teaching. He came in after he signed the form. How can he sign this form considering he hasn't seen me teach. He is going by Dr. Sigears and Ms. Knight. On March 16, 2010 I sent an e-mail to his boss complaining about the corrective action plan and a couple of days later, unknowingly my name was sent to the board for termination for next year. In June of 2010, I complained to the State of TN Dept. of Labor about Mr. Wilson and later on that same day, he called to say that he is no longer the principal. How can I work anywhere as a teacher with him being mad for causing his job demotion? He has to recommend me in order for me to teach. That is the main reason that I have been unable to find a job offer in over 150 applications in TN, MS, AL, and GA. Principals stick by other principals. Mr. Wilson highly qualified to have me teach 7th and 8th grade science without my signature. I had it removed from my license because I don't know a lot about science. Clarksville-Montgomery Schools have since changed their policy and now middle school special education teachers don't teach science. I have a Master's Degree in School Counseling from Murray State 2011, but I have yet to use it because of my most recent supervisor will not recommend me to teach or counsel anything or anybody. On the EEOC May 21, 2011 they got another principal to respond to the EEOC instead of the one with the problems except for a couple of statements. Everything that Mr. Wilson stated to the EEOC was untrue. For example, he stated that I failed students without their parent's knowledge. How can that be true when there were no Fs on their report card the whole year except the last 9 weeks and I have a written roster with the date, the reason for the call and who I spoke with. I always call if a student is failing unless the phone is disconnected then I will write. Mr. Cummings the principal who did respond violated the terms of the Educational Agreement by keeping school level conference material and placing it in my file. Mr. Cummings must have forgotten that he gave me a copy of both written documents and he signed it. They kept saying respondent states without mentioning respondent was not Mr. Wilson except for a couple of untrue statements.

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Let me also add another reason that I can't get rehired is because school districts have their very own "blacklist". According to the EEOC I can request to have my name reviewed from the Do Not Hire List. He stated that another black woman came to the EEOC wondering why she can't get rehired. That list has nothing to do with student achievement at all. We teachers have heard that about Nashville Public Schools and Clarksville-Montgomery Schools. In addition, in Middle TN it is extremely hard to find someone who looks like me (African-American) who is a public school hiring manager for teachers or HR head. They have minority administrators but when it comes to hiring managers it is mostly white.

Thank you very much,

Nikki Croft

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Nikki Croft**
420 Elysian Fields
Building B-13
Nashville, TN 37211

From: **Nashville Area Office**
220 Athens Way
Suite 350
Nashville, TN 37228



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

494-2011-00561

Deborah K. Walker,
Supervisory Investigator

(615) 736-2109

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

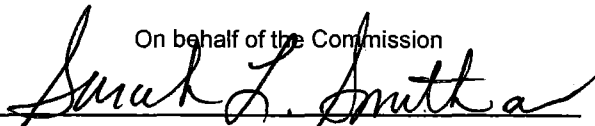
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Sarah L. Smith,
Area Office Director

JUN 01 2012

Enclosures(s)

(Date Mailed)

cc: **Carol M. Joiner**
Batson Nolan
121 South Third Street
PO Box 0
Clarksville, TN 37041-1334

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 494-2011-00561 </div> </div>	
Tennessee Human Rights Commission and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Ms. Nikki Croft		Home Phone (Incl. Area Code) (615) 887-9091	Date of Birth 07-02-1969
Street Address City, State and ZIP Code 5148 Ryan Allan Circle, Whites Creek, TN 37189			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name MONTGOMERY COUNTY SCHOOLS		No. Employees, Members 201 - 500	Phone No. (Include Area Code) (931) 920-7840
Street Address City, State and ZIP Code 621 Gracey Avenue, Clarksville, TN 37040			
Name 		No. Employees, Members 	Phone No. (Include Area Code)
Street Address City, State and ZIP Code 			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> <div> Earliest 02-26-2010 </div> <div> Latest 05-26-2010 </div> </div> <div style="text-align: center; margin-top: 10px;"> <input type="checkbox"/> CONTINUING ACTION </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I began employment with Montgomery County Schools during August of 2007. I held the position of teacher. Montgomery County Schools employs more than 15.</p> <p>On February 26, 2010, I was placed on a Corrective Action Plan. I was told that I was not keeping accurate records of grades. Grade changes occurred with 31 teacher's computers because of a computer problem. I was also told to provide different instruction to different levels of students. I was informed that I had until May 31st to complete the Corrective Action Plan. I complained on March 16, 2010, and was discharged on March 29, 2010.</p> <p>I believe that I have been discriminated against and retaliated against because of my race in violation of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Dec 20, 2010 <hr/> Date Charging Party Signature			

U. S. Equal Employment Opportunity Commission
Nashville Area Office
220 Athens Way, Suite 350
Nashville, TN 37228

OFFICIAL BUSINESS
Penalty for private use \$300



Nikki Croft
420 Elysian Fields Road
Nashville, TN 37211

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